

*Application No. 10/728,209**Amendment and Response to Office Action***REMARKS/ARGUMENTS****RECEIVED
CENTRAL FAX CENTER****DEC 05 2006***Status of the Claims*

Claims 1, 3, and 5 are currently pending. None of the pending claims are amended herein.

Rejections under 35 U.S.C. § 103

Claims 1, 3 and 5 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Japanese Patent Specification No. 08-217519 ("the '519 patent"). Applicants respectfully traverse. The '519 patent discloses a covering to protect concrete or construction material, and not a concrete-based flooring or wall covering with antibacterial activity as claimed in the instant application. Further, the '519 patent does not disclose any of the microbicidal agents required by claim 1 for providing effective and long lasting antimicrobial effect. The Office Action alleges that the '519 patent teaches that phenols may be incorporated. The '519 patent discloses a long list of potential components; however, the '519 patent gives no guidance as to which of the compounds would be best suited for a concrete-based wall or floor covering having antimicrobial effect. The '519 patent does not disclose or suggest any particular phenols, and much less the phenol derivative recited in claim 1 of the present application. As such, the '519 patent fails to teach or suggest the invention recited in the pending claims and does not render obvious the claimed invention.

Claims 1, 3 and 5 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Japanese Patent Specification No. 08-225415. Applicants respectfully traverse. The '415 patent does not disclose any of the microbicidal agents recited in claim 1. The Office Action alleges that the '415 patent teaches that phenols may be incorporated into concrete. The '415 patent discloses a long list of additives that may be included in cement; however, the '415 patent does not provide any guidance as to which compound or compounds should be selected to achieve a long-lasting antimicrobial effect as provided in the pending claims. Further, the '415 patent does not disclose or suggest any particular phenol derivatives, and much less the phenol derivative recited in claim 1 of the present application. As such, the '415 patent does not teach or suggest the use of phenols derived from 2,4,4'-trichlorine-2'-hydroxyphenol, organotins, sodium o-phenylphenate tetrahydrate, or alkyl dimethyl

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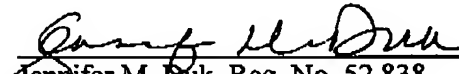
benzylammonium chlorides as microbicidal agents in concrete-based floors or wall coverings as recited in the pending claims. Therefore, the '415 fails to teach or suggest the claimed invention, and does not render obvious the claimed invention.

Accordingly, Applicants respectfully request withdrawal of the obviousness rejections.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,


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